

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**THOMAS E. SMITH, JR.,**

**Petitioner,**

**v.**

**WARDEN, BELMONT  
CORRECTIONAL INSTITUTION,**

**Respondent.**

**CASE NO. 2:20-CV-5830; 2:20-CV-5915**

**JUDGE JAMES L. GRAHAM**

**Magistrate Judge Kimberly A. Jolson**

**ORDER**

On June 8, 2021, the Magistrate Judge issued a Report and Recommendation in the above two cases recommending that the petitions for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 and § 2241 be dismissed. *See* 2:20-CV-5830, Doc. 14; 2:20-CV-5915, Doc. 15. Although the parties were advised of the right to file objections to the Magistrate Judge's Report and Recommendation, and of the consequences of failing to do so, no objections have been filed.

The court agrees with the Reports and Recommendations and they are **ADOPTED** and **AFFIRMED**. These actions are hereby **DISMISSED**.

Petitioner has waived his right to appeal by failing to file objections. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6<sup>th</sup> Cir. 1981). The Court therefore **DECLINES** to issue a certificate of appealability.

**IT IS SO ORDERED.**

Date: June 30, 2021

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s/James L. Graham  
**JAMES L. GRAHAM**  
**UNITED STATES DISTRICT JUDGE**

The parties are further advised that, if they intend to file an appeal of any adverse decision, they may submit arguments in any objections filed, regarding whether a certificate of appealability should issue.

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Elizabeth A. Preston Deavers  
United States Magistrate Judge